



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia  
Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King

Royaume du Cambodge  
Nation Religion Roi

Opening Speech  
Acting International Vice President, Judge Motoo Noguchi  
ECCC 8<sup>th</sup> Plenary Session, 13 September 2010

Mr. President, distinguished members of the Plenary, ladies and gentlemen.

The recent judgment of the Trial Chamber on its first case marked an important milestone in the history of the ECCC. This case will now move to appeal process before the Supreme Court Chamber. It is also expected that Co-Investigating Judges will issue closing orders for the second case shortly.

Since we first got together in July 2006, we have overcome numerous challenges to reach this point. We met as strangers four years ago, but now I feel we are a solid team which together strives to accomplish our common goal of bringing justice to the people of Cambodia.

However, further challenges are ahead of us.

Firstly, time will not wait for us. This court is addressing crimes of more than 30 years ago. All people concerned are in their advanced age, from the accused and charged persons to victims and witnesses to general Cambodian citizens who witnessed and survived the tragic four years. The court is mandated to comply with internationally-recognized standards of due process and fair trial rights. These rights include the right to speedy trials as an important element. The utmost efforts are required to all of us to bring long-awaited justice in time.

Secondly, this court is supported by voluntary financial contributions from members of the international community, which continue to fund the court out of restricted financial resources in the wake of economic crises. In the words the United Nations Secretary-General in the pledging conference held in New York in May, *“Without such support, the Chambers cannot function. It is as simple and stark as that.”* While joining Mr. President in hoping the international community’s continuous support to us, we need to remain mindful of this special situation and make every effort to make our proceedings as efficient and speedy as possible, maintaining the quality of proceedings and services.

Thirdly, this court has a mechanism in which victims can participate in the proceedings as complainants or civil parties. As this is the first court at the international or hybrid level with such a mechanism, we are eager to learn from our own past experience and keep improving so that we can remain confident that our procedures are fair and meaningful to the extent possible under various legal and practical constraints. I trust that the ECCC’s proceedings will become most balanced and trustworthy with appropriate degree and mode of victims’ participation depending on the stage and with the highest level of continued interest and support from Cambodian people and civil society. This is indeed the biggest advantage of us being located here in Phnom Penh, the capital of the suffered country.

Notwithstanding this, the ECCC is a criminal court and there is a limit to what it can do. The court may be able to establish solid factual and legal findings on past crimes, and they may provide a basis for dialogue for future Cambodia. But in the end, it will be for the people of Cambodia to move forward step by step in seeking sustainable ways towards national reconciliation beyond generations.

The majority of this week will be devoted to discussions to amend Internal Rules concerning victims' participation and reparation, in particular with a view to making the existing reparation system more meaningful and effective for real and sustainable benefit for victims. A working group lead by Judge Claudia Fenz considered various alternatives, consulting with a broad range of stakeholders within and external to the court. Then the Rules and Procedure Committee was convened in July for a whole week and finalized a proposal package for amendments which is here before us today.

I join Mr. President in hoping that we will have constructive and efficient discussions during the next five days. As a co-chair, I would be grateful for your kind cooperation so that we can achieve expected results within the limited time.

Thank you very much.

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